

NO. 50

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2020

WEDNESDAY, SEPTEMBER 16, 2020

Wednesday, September 16, 2020
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Isaiah 42:6

“I am the Lord, I have called you in righteousness; I will take you by the hand and lead you; I will give you as a covenant for my people, a light for the nations,”

Let us pray. Loving Father, only You can read the language of our hearts. Only You can translate our anxiety and our frustration that into useful and powerful action.

Lord, walk closely with our Senators this week as they struggle with important and pressing budget considerations. May they draw close to You and with Your help make wise decisions...decisions that will be efficacious both now and in the future and make our State a better place for each and every person.

For You, O Lord, are the way and the light that illuminates our path and empowers our actions. Thank you for extending Your hand to us and leading us through the myriad of difficult issues before us. For it is in Your loving name that we pray, Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

RATIFICATION OF ACTS

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on September 16, 2020, at 12:25 P.M. and the following Act was ratified:

(R149, H. 5305) -- Reps. Norrell, B. Newton, Yow and Lucas: AN ACT TO ESTABLISH COVID-19 VOTING-RELATED PROCEDURES FOR THE 2020 GENERAL ELECTION; TO AUTHORIZE ABSENTEE VOTING FOR ALL QUALIFIED ELECTORS RESIDING OR VOTING IN AN AREA SUBJECT TO A DECLARED STATE OF EMERGENCY; TO ESTABLISH A TIMELINE FOR THE RECEIPT OF COMPLETED ABSENTEE

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BALLOT APPLICATIONS; TO DELINEATE HOW QUALIFIED ELECTORS MAY SUBMIT COMPLETED ABSENTEE BALLOTS TO THE COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS; TO ESTABLISH A START DATE FOR IN-OFFICE ABSENTEE VOTING; TO ESTABLISH A TIMELINE FOR THE EXAMINATION OF RETURN-ADDRESSED ENVELOPES AND THE TABULATION OF ABSENTEE BALLOTS; TO REQUIRE THAT CERTAIN INFORMATION BE INCLUDED IN THE PUBLIC NOTICE REQUIRED PURSUANT TO SECTION 7-13-35; TO REQUIRE THE STATE ELECTION COMMISSION TO DEVELOP RECOMMENDATIONS TO REDUCE THE SPREAD OF COVID-19 DURING THE 2020 GENERAL ELECTION; TO REQUIRE THE STATE ELECTION COMMISSION TO DEVELOP A VOTER EDUCATION PROGRAM; AND TO PROVIDE THE PROVISIONS OF THIS ACT SHALL APPLY ONLY TO THE 2020 GENERAL ELECTION AND THE PROCESSES NECESSARY TO FINALIZE THE RESULTS.

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Point of Quorum

At 1:03 P.M., Senator SETZLER made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Alexander	Allen	Bennett
Campbell	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Grooms
Harpootlian	Hembree	Hutto
Johnson	Kimpson	Malloy
Martin	Massey	<i>Matthews, Margie</i>
Nicholson	Peeler	Rice
Scott	Senn	Setzler
Shealy	Talley	Turner
Verdin	Young	

A quorum being present, the Senate resumed.

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MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Local Appointments

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

William D. Wilson, Jr., 114 Fairhaven Dr., Goose Creek, SC 29445-8002

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Otis Prioleau, 1128 Universal Circle, Saint Stephens, SC 29479-3648

Reappointment, Berkeley County Master-in-Equity, with the term to commence November 7, 2020, and to expire November 7, 2026

Dale E. VanSlambrooke, P. O. Box 609, Monks Corner, SC 29461-0609

Initial Appointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Tracy Bomar-Howze, 715 Creekbridge Drive, Rock Hill, SC 29732-9169

Leave of Absence

At 2:39 P.M., Senator CLIMER requested a leave of absence for Senator GOLDFINCH for the day.

Leave of Absence

At 2:40 P.M., Senator ALEXANDER requested a leave of absence for Senator LEATHERMAN for the day.

Leave of Absence

At 2:40 P.M., Senator JOHNSON requested a leave of absence for Senator McELVEEN for the day.

Leave of Absence

On motion of Senator SABB, at 4:05 P.M., Senator ALLEN was granted a leave of absence for the balance of the day.

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Expression of Personal Interest

Senator FANNING rose for an Expression of Personal Interest.

Remarks to be Printed

On motion of Senator SETZLER, with unanimous consent, the remarks of Senator FANNING, when reduced to writing and made available to the Desk, would be printed in the Journal.

Expression of Personal Interest

Senator MASSEY rose for an Expression of Personal Interest.

Remarks to be Printed

On motion of Senator M.B. MATTHEWS, with unanimous consent, the remarks of Senator MASSEY, when reduced to writing and made available to the Desk, would be printed in the Journal.

Expression of Personal Interest

Senator KIMPSON rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SHEALY rose for an Expression of Personal Interest.

Remarks to be Printed

On motion of Senator HUTTO, with unanimous consent, the remarks of Senator SHEALY, when reduced to writing and made available to the Desk, would be printed in the Journal.

Expression of Personal Interest

Senator SETZLER rose for an Expression of Personal Interest.

Remarks to be Printed

On motion of Senator HUTTO, with unanimous consent, the remarks of Senator SETZLER, when reduced to writing and made available to the Desk, would be printed in the Journal.

Expression of Personal Interest

Senator SHEHEEN rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator HARPOOTLIAN rose for an Expression of Personal Interest.

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RECALLED AND COMMITTED

S. 1213 -- Senator Verdin: A BILL TO AMEND ARTICLE 4, CHAPTER 1, TITLE 25 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION, BY ADDING SECTION 25-1-442, TO PROVIDE THAT DURING A DECLARED STATE OF EMERGENCY LOCAL GOVERNMENTS CANNOT ADOPT OR ENFORCE LOCAL ORDINANCES THAT CONFLICT WITH PROVISIONS CONTAINED IN THE GOVERNOR'S EXECUTIVE ORDERS REGARDING THE STATE OF EMERGENCY; TO AMEND SECTION 1-3-420 OF THE 1976 CODE, RELATING TO PROCLAMATIONS OF STATES OF EMERGENCY, TO PROVIDE THAT A PROCLAMATION MAY NOT REMAIN IN EFFECT FOR LONGER THAN FIFTEEN DAYS, TO PROVIDE THAT A STATE OF EMERGENCY MAY NOT BE EXTENDED WITHOUT THE EXPRESS CONSENT OF THE GENERAL ASSEMBLY, AND TO PROVIDE THAT THE GOVERNOR CANNOT PROCLAIM A NEW STATE EMERGENCY ADDRESSING THE SAME EVENT BASED UPON A CHANGE IN CIRCUMSTANCES OR BECAUSE OF THE INCREASE IN THE EFFECT OF THE EVENT; TO AMEND SECTION 25-1-440(a)(2) OF THE 1976 CODE, RELATING TO A DECLARATION OF EMERGENCY FOR A DISASTER, A PUBLIC HEALTH EMERGENCY, OR THE THREAT THEREOF, TO PROVIDE THAT THE STATE OF EMERGENCY MAY NOT BE EXTENDED WITHOUT THE EXPRESS CONSENT OF THE GENERAL ASSEMBLY, AND TO PROVIDE THAT THE GOVERNOR CANNOT PROCLAIM A NEW STATE OF EMERGENCY ADDRESSING THE SAME EVENT BASED UPON A CHANGE IN CIRCUMSTANCES OR BECAUSE OF THE INCREASE IN THE EFFECT OF THE EVENT; AND TO AMEND ARTICLE 3, CHAPTER 1, TITLE 6 OF THE 1976 CODE, RELATING TO THE AUTHORITY OF LOCAL GOVERNMENTS TO ASSESS TAXES AND FEES, BY ADDING SECTION 6-1-410, TO PROVIDE THAT LOCAL GOVERNMENTS CANNOT MANDATE THAT BUSINESS OWNERS REQUIRE PATRONS TO WEAR PROTECTIVE MASKS ON THE BUSINESS' PREMISES.

On motion of Senator RANKIN, with unanimous consent, the Bill was recalled from the Committee on Family and Veterans' Services and committed to the Committee on Judiciary.

WEDNESDAY, SEPTEMBER 16, 2020

RECALLED AND READ THE SECOND TIME

H. 4945 -- Reps. Hewitt, Erickson, Bradley, Hiott, R. Williams, Jefferson, Rivers and Mace: A BILL TO AMEND SECTION 48-39-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONSTRUCTION SEAWARD OF THE BASELINE, SO AS TO ALLOW FOR CERTAIN EROSION CONTROL STRUCTURES TO HAVE THE DAMAGE ASSESSMENT BASED ON A SINGLE DISTINCT CONTINUOUS SEAWALL OR BULKHEAD RATHER THAN ON A LOT BY LOT BASIS.

Senator CAMPBELL asked unanimous consent to make a motion to recall the Bill from the Committee on Agriculture and Natural Resources.

The Bill was recalled from the Committee on Agriculture and Natural Resources and ordered placed on the Calendar for consideration tomorrow.

Senator CAMPBELL asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Bill. The question then was the second reading of the Bill.

On motion of Senator CAMPBELL, with unanimous consent, the Bill was read the second time, passed and ordered to a third reading waiving the provisions of Rule 26B.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1273 -- Senator Loftis: A JOINT RESOLUTION TO PROVIDE FULL FACE-TO-FACE INSTRUCTION MUST BE MADE AVAILABLE AS AN OPTION IN ALL PUBLIC SCHOOL DISTRICTS FOR THE DURATION OF THE PERIOD THAT THE GOVERNOR ISSUES EXECUTIVE ORDERS EXERCISING EMERGENCY POWERS CONCERNING COVID-19, SARS, OR BOTH, AND TO PROVIDE ALL EMPLOYEES OF SUCH DISTRICTS MUST BE CONSIDERED ESSENTIAL WORKERS DURING THIS PERIOD.

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Read the first time and referred to the Committee on Education.

S. 1274 -- Senator Peeler: A SENATE RESOLUTION TO RECOGNIZE GOUCHER BAPTIST CHURCH OF GAFFNEY ON THE OCCASION OF ITS TWO HUNDRED FIFTIETH ANNIVERSARY AND TO COMMEND THE CHURCH FOR NEARLY TWO AND A HALF CENTURIES OF SERVICE TO GOD AND THE COMMUNITY.

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The Senate Resolution was adopted.

H. 3441 -- Rep. Ott: A BILL TO PROVIDE THAT THE BOARD OF TRUSTEES OF THE CALHOUN COUNTY SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY, AND TO REPEAL ACT 757 OF 1988.

Read the first time and ordered placed on the Local and Uncontested Calendar.

H. 5539 -- Reps. Huggins, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO CONGRATULATE BOBBY YOUNG UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS THIRTY-EIGHT YEARS OF DEDICATED SERVICE TO COLUMBIA HIGH SCHOOL, AND TO OFFER BEST WISHES FOR A SATISFYING AND REWARDING RETIREMENT.

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The Concurrent Resolution was adopted, ordered returned to the House.

H. 5544 -- Reps. Norrell, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Calhoon, Caskey, Chellis, Chumley, Clary, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard, Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF THE HONORABLE ANN S. TAYLOR OF HEATH SPRINGS AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5548 -- Rep. Wooten: A CONCURRENT RESOLUTION TO CONGRATULATE BIBLESTORE OUTLET UPON THE OCCASION OF THE GRAND OPENING OF ITS NEW LOCATION IN LEXINGTON, HELD THURSDAY, SEPTEMBER 10, 2020.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5552 -- Reps. Calhoon, Alexander, Allison, Anderson, Atkinson, Bailey, Bales, Ballentine, Bamberg, Bannister, Bennett, Bernstein, Blackwell, Bradley, Brawley, Brown, Bryant, Burns, Caskey, Chellis, Chumley, Clary, Clyburn, Cobb-Hunter, Cogswell, Collins, B. Cox, W. Cox, Crawford, Daning, Davis, Dillard, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Garvin, Gilliam, Gilliard,

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Govan, Haddon, Hardee, Hart, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Hyde, Jefferson, Johnson, Jones, Jordan, Kimmons, King, Kirby, Ligon, Long, Lowe, Lucas, Mace, Mack, Magnuson, Martin, Matthews, McCravy, McDaniel, McGinnis, McKnight, Moore, Morgan, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Oremus, Ott, Parks, Pendarvis, Pope, Ridgeway, Rivers, Robinson, Rose, Rutherford, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Trantham, Weeks, West, Wetmore, Wheeler, White, Whitmire, R. Williams, S. Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO HONOR RHOTEN'S COUNTRY STORE AT THE CELEBRATION OF ITS SEVENTY-FIFTH ANNIVERSARY, TO CONGRATULATE THE STORE ON THREE-QUARTERS OF A CENTURY OF OUTSTANDING ENTREPRENEURIAL ENDEAVORS, AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS IN THE YEARS TO COME.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5576 -- Reps. Forrest and Caskey: A CONCURRENT RESOLUTION TO HONOR AND CONGRATULATE U.S. ARMY SERGEANT MAJOR THOMAS PATRICK PAYNE ON BEING PRESENTED THE MEDAL OF HONOR, THE NATION'S HIGHEST AWARD FOR VALOR, FOR HEROIC ACTION DURING A TOUR OF MILITARY DUTY IN NORTHERN IRAQ AND TO EXPRESS TO HIM THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

The Concurrent Resolution was adopted, ordered returned to the House.

REPORT OF STANDING COMMITTEE

Appointments Reported

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

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Statewide Appointment

Initial Appointment, Department of Natural Resources Board, with the term to commence July 1, 2018, and to expire July 1, 2022

7th Congressional District:

Jerry Allen Lee, 2611 Hanna Lake Road, Johnsonville, SC 29555-5241 *VICE* Keith C. Hinson

Received as information.

Senator GROOMS from the Committee on Transportation submitted a favorable report on:

Statewide Appointment

Initial Appointment, South Carolina Department of Highways and Public Transportation, with the term to commence May 10, 2018, and to expire February 15, 2022

At-Large :

Nancy Whitworth, 15 Harbor Oaks Drive, Greenville, SC 29609-4949
VICE Kristen E. Blanchard (resigned)

Received as information.

Senator ALEXANDER, with unanimous consent, moved to recall the following from the Committee on Labor, Commerce and Industry:

Statewide Appointment

Initial Appointment, Charleston Naval Complex Redevelopment Authority,

At-Large :

William L. Schachte, Jr., 172 Broad Street, Charleston, SC 29401-2453

Received as information.

Message from the House

Columbia, S.C., September 15, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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(R149, H5305) -- Reps. Norrell, B. Newton, Yow and Lucas: AN ACT TO ESTABLISH COVID-19 VOTING-RELATED PROCEDURES FOR THE 2020 GENERAL ELECTION; TO AUTHORIZE ABSENTEE VOTING FOR ALL QUALIFIED ELECTORS RESIDING OR VOTING IN AN AREA SUBJECT TO A DECLARED STATE OF EMERGENCY; TO ESTABLISH A TIMELINE FOR THE RECEIPT OF COMPLETED ABSENTEE BALLOT APPLICATIONS; TO DELINEATE HOW QUALIFIED ELECTORS MAY SUBMIT COMPLETED ABSENTEE BALLOTS TO THE COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS; TO ESTABLISH A START DATE FOR IN-OFFICE ABSENTEE VOTING; TO ESTABLISH A TIMELINE FOR THE EXAMINATION OF RETURN-ADDRESSED ENVELOPES AND THE TABULATION OF ABSENTEE BALLOTS; TO REQUIRE THAT CERTAIN INFORMATION BE INCLUDED IN THE PUBLIC NOTICE REQUIRED PURSUANT TO SECTION 7-13-35; TO REQUIRE THE STATE ELECTION COMMISSION TO DEVELOP RECOMMENDATIONS TO REDUCE THE SPREAD OF COVID-19 DURING THE 2020 GENERAL ELECTION; TO REQUIRE THE STATE ELECTION COMMISSION TO DEVELOP A VOTER EDUCATION PROGRAM; AND TO PROVIDE THE PROVISIONS OF THIS ACT SHALL APPLY ONLY TO THE 2020 GENERAL ELECTION AND THE PROCESSES NECESSARY TO FINALIZE THE RESULTS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., September 16, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Murphy, Fry and Bamberg to the Committee of Conference on the part of the House on:

S. 194 -- Senators Shealy and Senn: A BILL TO AMEND SECTIONS 16-15-90 AND 16-15-100, RELATING TO PROSTITUTION, TO INCREASE THE PENALTIES FOR SOLICITATION OF PROSTITUTION, ESTABLISHING OR KEEPING A BROTHEL OR HOUSE OF PROSTITUTION, OR

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CAUSING OR INDUCING ANOTHER TO PARTICIPATE IN PROSTITUTION; TO ESTABLISH THE AFFIRMATIVE DEFENSE OF BEING A VICTIM OF HUMAN TRAFFICKING; AND TO INCREASE THE PENALTIES FOR SOLICITING, CAUSING, OR INDUCING ANOTHER FOR OR INTO PROSTITUTION WHEN THE PROSTITUTE HAS A MENTAL DISABILITY.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., September 16, 2020

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 613 -- Senator Malloy: A BILL TO AMEND SECTION 59-48-70 OF THE 1976 CODE, RELATING TO THE SCHOOL OF SCIENCE AND MATHEMATICS' ENDOWMENT FUND, TO PROVIDE THAT THE ENDOWMENT FUND IS SUBJECT TO THE DIRECTION OF THE SCHOOL'S BOARD, TO REQUIRE THAT THE ENDOWMENT FUND BE ORGANIZED AS A NONPROFIT ENTITY, TO PROVIDE THAT THE ENDOWMENT FUND MUST ADOPT AN ANNUAL BUDGET THAT IS UNDER THE OVERSIGHT OF THE SCHOOL, TO PROVIDE THAT THE SCHOOL'S BOARD AND THE ENDOWMENT FUND MUST ENTER INTO AN OPERATING AGREEMENT, AND TO PROVIDE THAT THE ENDOWMENT FUND MAY NOT TAKE ANY ACTION UNLESS AUTHORIZED PURSUANT TO THE OPERATING AGREEMENT APPROVED BY THE SCHOOL'S BOARD.

Very respectfully,

Speaker of the House

Received as information.

Motion Adopted

On motion of Senator MALLOY, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

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CONCURRENCE

S. 613 -- Senator Malloy: A BILL TO AMEND SECTION 59-48-70 OF THE 1976 CODE, RELATING TO THE SCHOOL OF SCIENCE AND MATHEMATICS' ENDOWMENT FUND, TO PROVIDE THAT THE ENDOWMENT FUND IS SUBJECT TO THE DIRECTION OF THE SCHOOL'S BOARD, TO REQUIRE THAT THE ENDOWMENT FUND BE ORGANIZED AS A NONPROFIT ENTITY, TO PROVIDE THAT THE ENDOWMENT FUND MUST ADOPT AN ANNUAL BUDGET THAT IS UNDER THE OVERSIGHT OF THE SCHOOL, TO PROVIDE THAT THE SCHOOL'S BOARD AND THE ENDOWMENT FUND MUST ENTER INTO AN OPERATING AGREEMENT, AND TO PROVIDE THAT THE ENDOWMENT FUND MAY NOT TAKE ANY ACTION UNLESS AUTHORIZED PURSUANT TO THE OPERATING AGREEMENT APPROVED BY THE SCHOOL'S BOARD.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator MALLOY explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 43; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Loftis
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

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Total--43

NAYS

Total--0

On motion of Senator MALLOY, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

HOUSE CONCURRENCES

S. 1251 -- Senator Fanning: A CONCURRENT RESOLUTION TO CONGRATULATE AND HONOR JUDY C. MCWATERS, DIRECTOR OF THE CHESTER COUNTY VETERANS AFFAIRS OFFICE, ON THE OCCASION OF HER RETIREMENT AFTER FORTY-ONE YEARS OF EXEMPLARY SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

S. 1264 -- Senators Leatherman, Alexander, Allen, Bennett, M.B. Matthews, Campbell, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Harpootlian, Hembree, Hutto, Jackson, Johnson, Kimpson, Loftis, Malloy, Martin, Massey, J. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO HONOR AND CONGRATULATE ROBERT W. MARTIN UPON THE OCCASION OF HIS RETIREMENT AS CHIEF ECONOMIST FOR THE SOUTH CAROLINA BOARD OF ECONOMIC ADVISORS, TO EXTEND DEEP APPRECIATION FOR HIS THIRTY YEARS OF DISTINGUISHED PUBLIC SERVICE, AND TO OFFER WISHES FOR A RETIREMENT AS SATISFYING AND REWARDING TO HIM AS HIS SERVICE HAS BEEN TO THE PEOPLE OF SOUTH CAROLINA.

Returned with concurrence.

Received as information.

WEDNESDAY, SEPTEMBER 16, 2020

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

ORDERED ENROLLED FOR RATIFICATION

The following Bill and Resolution was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 5030 -- Reps. Murphy, Chellis and Kimmons: A BILL TO AMEND SECTION 12-28-2740, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DISTRIBUTION OF GASOLINE USER FEES AMONG COUNTIES AND COUNTY TRANSPORTATION COMMITTEES, SO AS TO PROVIDE FOR THE APPOINTMENT OF ADDITIONAL MEMBERS OF THE DORCHESTER COUNTY TRANSPORTATION COMMITTEE AND THE MANNER OF THEIR SELECTION.

On motion of Senator BENNETT.

H. 4724 -- Reps. Gilliard, Clyburn, Hosey, Jefferson, R. Williams and King: A JOINT RESOLUTION TO ESTABLISH A COMMITTEE TO STUDY VETERAN HOMELESSNESS, UNEMPLOYMENT, JOB PLACEMENT, INCIDENCE OF POST-TRAUMATIC STRESS DISORDER, ACCESS TO BASIC HUMAN SERVICES, AND OTHER ISSUES AFFECTING SOUTH CAROLINA VETERANS AND TO PROVIDE FOR RELATED MATTERS INCLUDING, BUT NOT LIMITED TO, COMMITTEE MEMBERSHIP AND DUTIES, THE FILLING OF VACANCIES, COMMITTEE MEETINGS, AND STAFFING.

HOUSE BILLS RETURNED

The following Bills were read the third time and ordered returned to the House with amendments.

H 5201 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

On motion of Senator ALEXANDER.

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H. 4327 -- Reps. R. Williams, Jefferson, Ott, Magnuson, Chumley and Burns: A BILL TO AMEND SECTION 6-9-65, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INAPPLICABILITY OF CERTAIN BUILDING CODES ON FARM STRUCTURES, SO AS TO REVISE THE DEFINITION OF "FARM STRUCTURE" FOR PURPOSES OF THIS SECTION.

H. 3351 -- Reps. Jefferson, W. Newton, R. Williams and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 60-11-102 SO AS TO PROVIDE FOR THE DISPOSITION OF CERTAIN DUPLICATIVE MATERIAL IN THE POSSESSION OF THE DEPARTMENT OF ARCHIVES AND HISTORY TO ANOTHER PUBLIC OR NONPROFIT INSTITUTION BY GIFT OR SALE, TO PROVIDE FOR THE USE OF RESULTING PROCEEDS, AND TO PROVIDE ANNUAL REPORTING REQUIREMENTS; BY ADDING SECTION 60-11-103 SO AS TO PROVIDE FOR THE RETENTION AND USE BY THE DEPARTMENT OF ARCHIVES AND HISTORY OF CERTAIN PROCEEDS GENERATED BY ITS OPERATIONS; AND TO REPEAL SECTION 60-11-120 RELATING TO THE DISPOSITION OF CERTAIN DUPLICATIVE MATERIAL IN THE POSSESSION OF DEPARTMENT OF ARCHIVES AND HISTORY.

H. 4831 -- Reps. Hixon, Ligon, B. Newton, Forrest, R. Williams and Jefferson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-15-15 SO AS TO PROHIBIT CERTAIN ACTIVITIES RELATED TO THIS STATE'S NATIVE REPTILE AND AMPHIBIAN SPECIES AND TO REQUIRE THE ESTABLISHMENT OF POSSESSION LIMITS; BY ADDING SECTION 50-15-55 SO AS TO PROHIBIT THE RELEASE OF NONNATIVE CAPTIVE WILDLIFE IN THIS STATE; TO AMEND SECTION 50-15-10, RELATING TO DEFINITIONS, SO AS TO DEFINE NEW TERMS AND EXPAND THE TERM "NONGAME SPECIES" TO INCLUDE ANIMAL PARTS, PRODUCTS, EGGS, AND OFFSPRING; TO AMEND SECTION 50-15-30, RELATING TO THE LISTING OF ENDANGERED SPECIES, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO CONDUCT THE REVIEW OF THE STATE LIST OF ENDANGERED SPECIES; TO AMEND SECTION 50-15-40, RELATING TO THE ESTABLISHMENT OF WILDLIFE MANAGEMENT PROGRAMS, SO AS TO AUTHORIZE THE DEPARTMENT TO ESTABLISH

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WILDLIFE MANAGEMENT PROGRAMS; TO AMEND SECTION 50-15-80, RELATING TO PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS, SO AS TO GRANT CONCURRENT JURISDICTION OVER THESE VIOLATIONS TO MAGISTRATES COURTS, TO INCREASE MONETARY PENALTIES, AND TO PROVIDE FOR THE REVOCATION OF PERMITS GRANTED TO A PERSON WHO VIOLATES CERTAIN PROVISIONS; AND TO AMEND SECTION 50-15-310, RELATING TO DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA CAPTIVE ALLIGATOR PROPAGATION ACT, SO AS TO ALTER THE DEFINITIONS OF THE TERMS "ALLIGATOR PROPAGATION FACILITY" AND "COMMERCIAL PURPOSES".

H. 5149 -- Reps. Forrest, Clyburn and Ott: A BILL TO AMEND SECTION 7-7-480, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN SALUDA COUNTY, SO AS TO ELIMINATE FIVE VOTING PRECINCTS, AND TO UPDATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

H. 3210 -- Reps. Loftis, Clyburn, Collins, Burns, Clary, W. Cox, Morgan, Hyde, Stringer, Elliott, B. Cox, Gagnon, Caskey, Bannister, Willis, Sottile, Stavrinakis, Daning, Blackwell, Taylor, Forrester, Fry, West, Finlay, Simrill, V.S. Moss, Bryant, Bales, D.C. Moss, Erickson, Herbkerman, Whitmire and Weeks: A BILL TO AMEND ACT 80 OF 2013, RELATING TO THE HIGH GROWTH SMALL BUSINESS JOB CREATION ACT, SO AS TO REAUTHORIZE THE ACT FOR AN ADDITIONAL SIX YEARS.

On motion of Senator ALEXANDER.

SECOND READING BILL

S. 1191 -- Senator M.B. Matthews: A BILL TO AMEND SECTION 1 OF ACT 476 OF 1998, RELATING TO THE JASPER COUNTY BOARD OF EDUCATION, TO REQUIRE A CANDIDATE SEEKING ELECTION TO SUBMIT A STATEMENT OF CANDIDACY RATHER THAN A SIGNED PETITION.

On motion of Senator M.B. MATTHEWS.

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S. 1191--Ordered to a Third Reading

On motion of Senator M.B. MATTHEWS, S. 1191 was ordered to receive a third reading on Thursday, September 17, 2020.

AMENDED, READ THE SECOND TIME

H. 3596 -- Reps. Long, Erickson, Clemmons, Bales, Fry, Loftis, Burns, Hewitt, Bannister, Forrester, Herbkersman, Huggins, Lowe, D.C. Moss, B. Newton, W. Newton, Pope, Robinson, Sandifer, Simrill, G.M. Smith, G.R. Smith, Tallon, Toole, Trantham, Johnson, V.S. Moss, Stringer, Willis, Bailey, Elliott, B. Cox, Magnuson, Clary, Hixon, Martin, Davis, Mace, Kimmons, Bennett, Bradley, Jordan, Finlay, Gagnon, McDaniel, Daning, Allison, Collins, McCoy, Atkinson, Hayes, Kirby, Wooten, Ballentine, Caskey, McCravy, Gilliam, Hill, Chellis, Crawford, Taylor, Young, Weeks, Yow, Whitmire, Hosey, Clyburn, Brown, Govan, Moore and Henderson-Myers: A BILL TO AMEND SECTION 12-43-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLASSIFICATION OF PROPERTY AND ASSESSMENT RATIOS FOR PURPOSES OF AD VALOREM TAXATION, SO AS TO LIMIT ROLLBACK TAXES TO ONE YEAR WHEN LAND CLASSIFIED AS AGRICULTURAL REAL PROPERTY IS APPLIED TO ANOTHER USE.

The Senate proceeded to a consideration of the Bill.

Senator FANNING and JOHNSON proposed the following amendment (3596R001.SP.MWF), which was tabled:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/SECTION 1. Section 12-43-220(d)(4) of the 1976 Code is amended to read:

“(4)(A) Except as provided pursuant to Section 12-43-222, when real property which is in agricultural use and is being valued, assessed, and taxed under the provisions of this article, is applied to a use other than agricultural, as evidenced by an action taken by the owner of the real property which is inconsistent with agricultural use, it is subject to additional taxes, ~~hereinafter~~ referred to as ~~roll-back~~ rollback taxes, in an amount equal to the difference, if any, between the taxes paid or payable on the basis of the valuation and the assessment authorized ~~hereunder~~ pursuant to this item and the taxes that would have been paid or payable had the real property been valued, assessed, and taxed as other real property in the taxing district, in the current tax year (the year of change in use) and each of the ~~five~~ three tax years immediately preceding in

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which the real property was valued, assessed, and taxed as ~~herein~~ provided in this item. If in the tax year in which a change in use of the real property occurs, the real property was not valued, assessed, and taxed under this article, then the real property is subject to ~~roll-back~~ rollback taxes for each of the ~~five~~ three tax years immediately preceding in which the real property was valued, assessed, and taxed ~~hereunder~~ pursuant to this item. In determining the amounts of the ~~roll-back~~ rollback taxes chargeable on real property which has undergone a change in use, the assessor ~~shall~~ for ~~each of the roll-back~~ rollback tax years involved shall ascertain:

~~(A)~~(i) the fair market value without consideration of the standing timber of such real property under the valuation standard applicable to other real property in the same classification;

~~(B)~~(ii) the amount of the real property assessment for the particular tax year by multiplying such fair market value by the appropriate assessment ratio provided in this article;

~~(C)~~(iii) the amount of the additional assessment on the real property for the particular tax year by deducting the amount of the actual assessment on the real property for that year from the amount of the real property assessment determined under ~~(B)~~(ii) of this section;

~~(D)~~(iv) the amount of the ~~roll-back~~ rollback for that tax year by multiplying the amount of the additional assessment determined under ~~(C)~~(iii) of this section by the property tax rate of the taxing district applicable for that tax year.

(B) For a taxpayer applying real property to a use other than agriculture pursuant to this section, the discounted value allowed pursuant to Section 12-43-225(A) may only apply for three property tax years.” /

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

Senator DAVIS moved to lay the amendment on the table.

The amendment was laid on the table.

Senator CAMPSER proposed the following amendment (3596R003.SP.GEC), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 29 and inserting:

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/a use other than agricultural, as evidenced by actions taken by the/
Renumber sections to conform.
Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Sheheen

Total--1

There being no further amendments, the Bill was read the second time,
passed and ordered to a third reading.

H. 3596--Ordered to a Third Reading

On motion of Senator DAVIS, H. 3596 was ordered to receive a third
reading on Thursday, September 17, 2020.

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OBJECTION

H. 3257 -- Reps. Moore, S. Williams, Clyburn, McDaniel, Matthews, Pendarvis, Henderson-Myers, Govan, King, Ridgeway, Hosey, Wheeler, Wooten, Clary, Elliott and W. Cox: A BILL TO AMEND SECTION 59-32-20, AS AMENDED, RELATING TO INSTRUCTIONAL UNITS REQUIRED UNDER THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO REQUIRE THE STATE BOARD OF EDUCATION TO DEVELOP CERTAIN UNITS CONCERNING MENTAL HEALTH AND WELLNESS; AND TO AMEND SECTION 59-32-30, RELATING TO COURSEWORK REQUIREMENTS OF THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO REQUIRE MIDDLE SCHOOLS OFFER ONE ELECTIVE UNIT OF STUDY IN MENTAL HEALTH AND WELLNESS TO SEVENTH GRADE STUDENTS AND TO PROVIDE NINTH GRADE STUDENTS SHALL SUCCESSFULLY COMPLETE ONE UNIT OF STUDY IN MENTAL HEALTH AND WELLNESS.

Senator FANNING objected to the consideration of the Bill.

READ THE SECOND TIME

H. 3800 -- Reps. B. Cox, Hiott, Elliott, Morgan, White, Clemmons, Hyde, Caskey, Magnuson, Hewitt, Trantham, Davis, Forrest and Hixon: A BILL TO AMEND SECTION 50-9-350, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPRENTICE HUNTING LICENSES, SO AS TO ALLOW FOR THE WAIVER OF THE CERTIFICATE OF COMPLETION REQUIREMENT FOR UP TO THREE YEARS AND TO ALLOW FOR A PERSON TO RECEIVE THIS WAIVER NO MORE THAN THREE TIMES.

The Senate proceeded to a consideration of the Bill.

Senator CAMPSSEN explained the Bill.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell

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Gregory	Grooms	Harpootlian
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

H. 3800--Ordered to a Third Reading

On motion of Senator CAMPSSEN, H. 3800 was ordered to receive a third reading on Thursday, September 17, 2020.

OBJECTION

H. 4431 -- Reps. Jordan, Fry, Rose, Forrest, Anderson, Hyde, B. Cox, Elliott, Morgan, B. Newton, Rutherford, Long, Magnuson, Clemmons, Davis, Taylor, Hewitt, Pope, Ligon, Tallon, D.C. Moss, Blackwell, Kirby, Sandifer, Jefferson, R. Williams, Kimmons, Murphy, Chellis and Daning: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 1, TITLE 6 SO AS TO PROVIDE BUSINESS LICENSE TAX REFORM, TO PROVIDE DEFINITIONS, TO PROVIDE FOR THE WAY IN WHICH A BUSINESS LICENSE TAX IS COMPUTED, TO PROVIDE FOR THE WAY IN WHICH TO PURCHASE A BUSINESS LICENSE, TO PROVIDE THAT A TAXING JURISDICTION SHALL ADOPT THE LATEST STANDARDIZED BUSINESS LICENSE CLASS SCHEDULE, TO PROVIDE THE WAY IN WHICH A BUSINESS LICENSE OFFICIAL SHALL SERVE NOTICE OF ASSESSMENT OF BUSINESS LICENSE TAX DUE; TO AMEND SECTIONS 4-9-30 AND 5-7-30, RELATING TO THE

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DESIGNATION OF POWERS IN COUNTY GOVERNMENT AND THE POWERS CONFERRED UPON MUNICIPALITIES, RESPECTIVELY, SO AS TO PROVIDE THAT A BUSINESS LICENSE TAX MUST BE GRADUATED ACCORDING TO THE BUSINESS TAXABLE INCOME AND THAT A WHOLESALER DELIVERING GOODS IN CERTAIN INSTANCES IS NOT SUBJECT TO THE BUSINESS LICENSE TAX; TO AMEND SECTION 6-1-120, RELATING TO THE CONFIDENTIALITY OF COUNTY OR MUNICIPAL TAXPAYER INFORMATION, SO AS TO ALLOW THE SHARING OF CERTAIN DATA AND CERTAIN BUSINESS LICENSE TAXES; TO AMEND SECTION 12-4-310, RELATING TO THE DEPARTMENT OF REVENUE'S POWERS AND DUTIES, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL MAKE CERTAIN RECORDS AVAILABLE TO CERTAIN AUTHORITIES LEVYING A TAX BASED ON BUSINESS TAXABLE INCOME.

Senator HUTTO objected to the consideration of the Bill.

READ THE SECOND TIME

H. 4663 -- Reps. Finlay and Wheeler: A BILL TO AMEND SECTION 40-43-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROTOCOL FOR PHARMACISTS TO ADMINISTER INFLUENZA VACCINES WITHOUT THE ORDER OF A PRACTITIONER, SO AS TO PROVIDE PHARMACISTS MAY ADMINISTER INFLUENZA VACCINES TO PERSONS OF ANY AGE WITHOUT THE ORDER OF A PRACTITIONER PURSUANT TO PROTOCOL ISSUED BY THE BOARD OF MEDICAL EXAMINERS.

The Senate proceeded to a consideration of the Bill.

Senator DAVIS explained the Bill.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 1; Abstain 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Davis	Fanning

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Gambrell	Gregory	Grooms
Harpootlian	Hembree	Hutto
Jackson	Johnson	Kimpson
Loftis	Malloy	Martin
Massey	<i>Matthews, Margie</i>	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Corbin

Total--1

ABSTAIN

Cromer

Total--1

The Bill was read the second time, passed and ordered to a third reading.

H. 4663--Ordered to a Third Reading

On motion of Senator DAVIS, H. 4663 was ordered to receive a third reading on Thursday, September 17, 2020.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 4938 -- Rep. Ridgeway: A BILL TO AMEND SECTION 44-53-360, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO ELECTRONIC PRESCRIPTIONS, SO AS TO ADD CERTAIN EXCEPTIONS TO ELECTRONIC PRESCRIBING REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS.

The Senate proceeded to a consideration of the Bill.

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The Committee on Medical Affairs proposed the following amendment (4938R001.KMM.DBV), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 13 through 15.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the committee amendment.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 1

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Malloy
Martin	Massey	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Turner	Verdin	Williams
Young		

Total--40

NAYS

Matthews, Margie

Total--1

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

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H. 4938--Ordered to a Third Reading

On motion of Senator DAVIS, H. 4938 was ordered to receive a third reading on Thursday, September 17, 2020.

AMENDED, READ THE SECOND TIME

H. 4940 -- Reps. Sandifer, Forrester, Ott, West, Toole, Norrell and Funderburk: A JOINT RESOLUTION TO ESTABLISH THE ELECTRICITY MARKET REFORM MEASURES STUDY COMMITTEE, TO PROVIDE FOR THE MEMBERSHIP ON THE STUDY COMMITTEE, TO PROVIDE THAT THE COMMITTEE SHALL STUDY WHETHER THE LEGISLATURE SHOULD ADOPT MARKET REFORM MEASURES AFFECTING THE PROVISION OF ELECTRIC SERVICE IN SOUTH CAROLINA AND STUDY THE PUBLIC BENEFITS ASSOCIATED WITH SUCH MEASURES, TO REQUIRE THE STUDY COMMITTEE TO ISSUE A REPORT WITH FINDINGS AND RECOMMENDATIONS TO APPROPRIATE FUNDS TO ENGAGE A THIRD-PARTY, INDEPENDENT, EXPERT CONSULTANT, OR CONSULTANTS, TO ADVISE THE STUDY COMMITTEE, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

The Senate proceeded to a consideration of the Resolution.

Senator GAMBRELL proposed the following amendment (4940R002.SP.MWG), which was adopted:

Amend the joint resolution, as and if amended, by striking all after the title and inserting:

/Whereas, much of the electric service provided in South Carolina is currently provided by vertically integrated providers of electric distribution and transmission services; and

Whereas, the State recognizes that existing nuclear power plant units in operation and located in this State or in the balancing authority of electrical utilities or public power agencies operating in this State provide an emissions-free generating source of power while also providing employment and economic benefits for a significant number of South Carolinians, and this study is not intended to force divestiture of ownership or cessation or operation of any nuclear power plant unit in operation; and

Whereas, the State has adopted measures to diversify the resources used to reliably meet the energy needs of consumers in the State through Act No. 62 of 2019 and through other measures; and

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Whereas, the adoption of measures to reform the structure of the existing electric generation, transmission, or distribution_service may further promote the development of and access to low cost, reliable resources for the benefit of South Carolina consumers; and

Whereas, any electricity sector regulatory framework changes, the restructuring of existing electric transmission service, or joining an existing or creating a new regional transmission organization (“RTO”) may require changes to state law as well as federal authorization. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. (A)(1) There is created the Electricity Market Reform Measures Study Committee. The Study Committee is comprised of eight members:

(a) four members of the House of Representatives, all serving ex officio, appointed by the Chairman of the House Labor, Commerce and Industry Committee; one member shall be a customer of Dominion Energy, one member shall be a customer of Duke Energy, one member shall be a direct-serve customer of the Public Service Authority, and one member shall be a customer of an electric cooperative; and

(b) four members of the Senate, all serving ex officio, appointed by the Chairman of the Senate Judiciary Committee; one member shall be a customer of Dominion Energy, one member shall be a customer of Duke Energy, one member shall be a direct-serve customer of the Public Service Authority, and one member shall be a customer of an electric cooperative.

(2) The Study Committee shall meet as soon as practicable after the enactment of this joint resolution to organize and to elect one co-chairman from the Senate appointees and one co-chairman from the House appointees. The co-chairmen shall be elected by a majority vote of the Study Committee members.

(B) The Study Committee shall include a non-voting advisory board. The advisory board is comprised of:

(1) the Executive Director of the Office of Regulatory Staff, or her designee;

(2) a representative of AARP South Carolina;

(3) the South Carolina President of Duke Energy, or his designee;

(4) the Chief Executive Officer of the South Carolina Public Service Authority, or his designee;

(5) the President of Dominion Energy South Carolina, or his designee;

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(6) two representatives of residential consumers of electricity in South Carolina appointed by the Chairman of the Senate Judiciary Committee;

(7) two representatives of commercial consumers of electricity in South Carolina appointed by the Chairman of the House of Representatives Labor, Commerce and Industry Committee;

(8) two representatives of industrial consumers of electricity in South Carolina, one of the representatives must be appointed by the Chairman of the House of Representatives Labor, Commerce and Industry Committee, and one representative must be appointed by the Chairman of the Senate Judiciary Committee;

(9) a representative of the Coastal Conservation League;

(10) a member company of, and appointed by, the South Carolina Solar Business Alliance;

(11) a member company of, and appointed by, the South Carolina Chamber of Commerce;

(12) a representative of the South Carolina Electric Cooperatives;

(13) a representative of Piedmont Municipal Power Agency;

(14) a representative of the South Carolina Municipal Power Association;

(15) a member company of, and appointed by, the South Carolina Manufacturers' Alliance;

(16) a representative of a renewable power developer primarily engaged in the development of utility-scale solar projects appointed by the Chairman of the House of Representatives Labor, Commerce and Industry Committee;

(17) a representative of a renewable power developer primarily engaged in the development of residential-rooftop solar projects appointed by the Chairman of the Senate Judiciary Committee;

(18) a representative of Central Electric Cooperative;

(19) the South Carolina President of Lockhart Power, or his designee; and

(20) a representative of the farming or agricultural community appointed by the Chairman of the House of Representatives Labor, Commerce and Industry Committee.

(C) The nonvoting advisory board members shall be permitted to utilize for study committee-related matters technical support staff, including outside consultants and counsel, from the entity that the member represents.

SECTION 2. (A) For purposes of this section, "RTO" means regional transmission organization or other entity established for the

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purpose of promoting the efficiency and reliability in the operation and planning of the electric transmission grid and ensuring nondiscrimination in the provision of electric transmission services meeting the minimum criteria established by the Federal Energy Regulatory Commission under 18 C.F.R. Section 35.34.

(B) The study committee shall:

(1) study whether to recommend any of a variety of electricity market reform measures, encompassing the full range of possible market reforms that may benefit South Carolina consumers including, but not limited to, the following:

(a) establishing a South Carolina Regional Transmission Organization or an RTO including South Carolina and other Southeastern states;

(b) joining an existing RTO;

(c) establishing an energy imbalance market;

(d) requiring vertically integrated electrical utilities to divest their generation or transmission assets, or both;

(e) enabling full consumer retail electric service choice;

(f) enabling partial consumer retail electric service choice such as nonresidential customer choice;

(g) authorizing community choice aggregation in South Carolina;

(h) redesigning the distribution system operator role in South Carolina to accommodate a modernized distribution grid featuring high levels of distributed energy resources, including exploration of establishing an independent distribution system operator and distribution-level electricity markets;

(i) measures to accelerate reductions in emissions associated with South Carolina's electricity supply;

(j) establishing joint dispatch agreements among state or regional utilities;

(k) other beneficial regulatory framework changes; and

(l) establishing or preserving consumer rate structures that more closely align consumer interests with electric system interests;

(2) study whether the General Assembly should require any electrical utility, electric cooperative or the Public Service Authority of South Carolina to take actions necessary to implement one or more of the studied electricity market reform measures; and

(3) study the costs and benefits to consumers and the financial and operational impacts to integrated service providers of any market reform measures recommended.

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(C) At a minimum, the study shall address the following issues:

(1) the legal and procedural requirements associated with adoption of any recommended electricity market reform measures, including identification of existing laws, regulations, and policies that may need to be amended in order to implement the electricity market reform measures;

(2) the potential costs and benefits to South Carolina electric consumers and ratepayers of each electricity market reform measure studied based on factors including, but not limited to: generation production cost savings, fuel savings, transmission cost savings, battery storage, reliability, resiliency, generation resource diversity, generator availability, the promotion and integration of demand response and energy efficiency, deployment of renewable resources, deferral of capital investments, the effect on economic development and retention of industry, stranded costs and regulatory mechanisms to mitigate any stranded costs, and the long term impact on consumer rates and service quality in the short and long term; and (3) the experience of other states with adopting each electricity market reform measure studied.

(D) By November 1, 2021, the study committee shall issue a report on its work to the General Assembly that may include recommendations that the State take action or not take action on any of the market reform measures studied. A recommendation that the State take action shall be based upon a finding by a majority of the voting members that one or more electricity market reform measures is in the public interest, taking into consideration expected consumer costs and benefits of the electricity market reform measures, and is otherwise consistent with the provision of reliable, safe and low cost electric service to ratepayers in South Carolina and within the balancing authority of the electrical utility.

(E) If the study committee recommends that the State take action, the report issued by the study committee shall include draft legislation and identify requirements that should be established, as applicable, that, including, but not limited to:

(1) promote:

(a) the reliable planning, operating, maintaining, and upgrading of the transmission and distribution systems and any necessary additions;

(b) the safe, reliable, and efficient operation of transmission and distribution systems; and

(c) policies for the pricing and access for service over such systems that are not unduly discriminatory and are consistent with the orderly development of competition in the State;

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(2) are consistent with lawful requirements of the Federal Energy Regulatory Commission regarding the establishment of an RTO, if applicable; and

(3) generally promote the public interest and are consistent with:

(a) ensuring that consumers' needs for economic and reliable electric service are met, including creating cost savings and reduced electric rates over the long-term for consumers as compared to maintaining the status quo; and

(b) meeting the transmission and distribution needs of electric generation suppliers and consumers both within and without this State and respective balancing authorities, including those that do not own, operate, control, or have an entitlement to transmission and distribution capacity.

SECTION 3. The study committee shall retain a third-party, independent, expert consultant or consultants to advise the study committee and issue its own opinion as to what market reform measures studied, if any, benefit South Carolina consumers. The third-party, independent, expert consultant or consultants must advise on the economic costs and benefits of each course of action and also must make its recommendation to the study committee. The third-party, independent, expert consultant or consultants must be selected by the co-chairmen of the study committee. Engagements procured under this provision are exempt from the South Carolina Procurement Code.

SECTION 4. The Electricity Market Reform Measures Study Committee shall dissolve and terminate upon its submission to the General Assembly of the committee's final report.

SECTION 5. This joint resolution takes effect upon approval by the Governor and is contingent upon appropriations by the General Assembly. /

Renumber sections to conform.

Amend title to conform.

Senator GAMBRELL explained the amendment.

The amendment was adopted.

The question being the second reading of the Resolution.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Harpootlian
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

The Resolution was read the second time, passed and ordered to a third reading.

H. 4940--Ordered to a Third Reading

On motion of Senator RANKIN, H. 4940 was ordered to receive a third reading on Thursday, September 17, 2020.

READ THE SECOND TIME

H. 4963 -- Reps. Tallon, Moore, Bernstein, Caskey, Clary, Davis, Elliott, King, Mace, Wheeler, Simrill, Rutherford, Bannister, Finlay, Bradley, Collins, Fry, Hyde, Murphy, W. Newton, Rose, Wooten, B. Newton, Sottile, Ridgeway, Ott, Hardee, Bailey, Herbkersman, Bamberg, Daning, Kirby, Atkinson, Felder, Hewitt, Martin, Oremus, Sandifer and Erickson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-360 SO AS TO PROVIDE THAT A PRODUCER OR WHOLESALER MAY

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FURNISH OR GIVE CERTAIN SAMPLES OF WINES TO A RETAILER NOT TO EXCEED THREE LITERS ANNUALLY; AND BY ADDING SECTION 61-6-1650 SO AS TO PROVIDE THAT A PRODUCER OR WHOLESALER MAY FURNISH OR GIVE CERTAIN SAMPLES OF WINES IN EXCESS OF SIXTEEN PERCENT ALCOHOL, CORDIALS, OR DISTILLED SPIRITS TO A RETAILER NOT TO EXCEED THREE LITERS ANNUALLY.

The Senate proceeded to a consideration of the Bill.

Senator RANKIN explained the Bill.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 34; Nays 4

AYES

Alexander	Bennett	Campbell
Campsen	Climer	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Harpootlian
Hembree	Hutto	Jackson
Johnson	Kimpson	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McLeod	Nicholson	Peeler
Rankin	Sabb	Scott
Setzler	Shealy	Talley
Turner	Verdin	Williams
Young		

Total--34

NAYS

Cash	Corbin	Loftis
Rice		

Total--4

The Bill was read the second time, passed and ordered to a third reading.

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**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS
AND RESOLUTIONS RETURNED FROM THE HOUSE.**

NONCONCURRENCE

H. 3485 -- Reps. Jefferson, R. Williams, Cobb-Hunter and Weeks: A BILL TO AMEND SECTION 12-6-3535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN INCOME TAX CREDIT FOR MAKING QUALIFIED REHABILITATION EXPENDITURES FOR A CERTIFIED HISTORIC STRUCTURE, SO AS TO REMOVE A PROVISION ALLOWING THE DEPARTMENT OF ARCHIVES AND HISTORY TO ESTABLISH FEES, TO PROVIDE THAT A TAXPAYER CLAIMING THE CREDIT MUST PAY A FEE TO THE DEPARTMENT OF ARCHIVES AND HISTORY FOR THE STATE HISTORIC PRESERVATION GRANT FUND, AND TO PROVIDE THAT THE DEPARTMENT SHALL DEVELOP AN APPLICATION PROCESS; AND TO AMEND SECTION 12-6-5060, RELATING TO VOLUNTARY CONTRIBUTIONS MADE BY AN INDIVIDUAL BY MEANS OF THE INCOME TAX RETURN CHECK OFF, SO AS TO ADD THE DEPARTMENT OF ARCHIVES AND HISTORY.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator MASSEY explained the amendments.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 0; Nays 41

AYES

Total--0

NAYS

Alexander	Allen	Bennett
Campbell	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Gregory	Grooms	Harpootlian
Hutto	Jackson	Johnson
Kimpson	Loftis	Malloy
Martin	Massey	<i>Matthews, Margie</i>

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McLeod	Nicholson	Peeler
Rankin	Reese	Rice
Sabb	Scott	Senn
Setzler	Shealy	Sheheen
Talley	Turner	Verdin
Williams	Young	

Total--41

On motion of Senator MASSEY, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that if and when the Senate stands adjourned today, that it will adjourn to meet tomorrow under the provisions of Rule 1B.

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, York County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Tracy Bomar-Howze, 715 Creekbridge Drive, Rock Hill, SC 29732-9169

Reappointment, Berkeley County Master-in-Equity, with the term to commence November 7, 2020, and to expire November 7, 2026

Dale E. VanSlambrooke, P. O. Box 609, Monks Corner, SC 29461-0609

Reappointment, Berkeley County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

Otis Prioleau, 1128 Universal Circle, Saint Stephens, SC 29479-3648

Initial Appointment, Beaufort County Magistrate, with the term to commence April 30, 2019, and to expire April 30, 2023

William D. Wilson, Jr., 114 Fairhaven Dr., Goose Creek, SC 29445-8002

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Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator CROMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Zebbie Dee Goudelock of Newberry, S.C. Zebbie was a member of the Newberry City Council where he served for thirty years. He was an active member of St. Matthew Baptist Church where he served as chairman of the deacon board, treasurer, superintendent of Sunday School and sang in the male chorus. Zebbie was a loving husband, devoted brother and faithful servant of Newberry who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator SCOTT, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable Ethel Louise Brewer of Columbia, S.C. Judge Brewer was a member of Brookland Baptist Church. She was a former professor and college administrator before being appointed to serve as a Summary Court judge in Richland County. Judge Brewer presided over the county Bond Court at Alvin S. Glenn Detention Center. Judge Brewer was a wonderful woman who served her county and state well and will be dearly missed.

and

MOTION ADOPTED

On motion of Senator CROMER, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable David C. Waldrop, Jr. of Newberry, S.C. David served in the South Carolina House of Representatives from 1981 - 1997. He also served on the Newberry County Council and the Newberry County Council on Aging for over thirty years. David was an avid Clemson fan. David was a loving husband, devoted father and doting grandfather who will be dearly missed.

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ADJOURNMENT

At 4:10 P.M., on motion of Senator MASSEY, the Senate adjourned
to meet tomorrow under the provisions of Rule 1B

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